

Regular Session, 2009

SENATE BILL NO. 183

BY SENATOR APPEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COLLEGES/UNIVERSITIES. Constitutional amendment to exempt postsecondary education tuition and fee amounts at public institutions from the requirements for imposing and increasing fees. (2/3-CA13s1(A))

A JOINT RESOLUTION

Proposing to add Article VII, Section 2.1 (C) of the Constitution of Louisiana, relative to the constitutional requirements and procedures for the imposition of or increase in a fee; to provide exceptions to such requirements for the increase in tuition or the imposition of or increase in fees at postsecondary institutions; to specify an election for submission of the proposition to electors; and to provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article VII, Section 2.1(C) of the Constitution of Louisiana, to read as follows:

§2.1. Fees and Civil Fines; Limitation; **Exceptions**

\* \* \*

**(C) The provisions of Paragraph A of this Section shall not apply to the increase in any tuition, as defined by law, or to the imposition of a new fee or a fee increase to be charged at a public institution under the authority of a postsecondary education management board.**

Section 2. Be it further resolved that this proposed amendment shall be submitted

1 to the electors of the state of Louisiana at the statewide election to be held on November 2,  
2 2010.

3 Section 3. Be it further resolved that on the official ballot to be used at said election  
4 there shall be printed a proposition, upon which the electors of the state shall be permitted  
5 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
6 read as follows:

7 To provide that the enactment of a law by a two-thirds vote of the legislature  
8 to impose any new fee or increase in a fee shall not apply to the increase in  
9 any tuition, as defined by law, or to the imposition of a new fee or a fee  
10 increase imposed by a postsecondary education management board.

11 (Adds Article VII, Section 2.1(C))

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The original instrument was prepared by Sherri H. Breaux. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

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#### DIGEST

Appel (SB 183)

Present constitution provides that any new fee or civil fine or increase in an existing fee or civil fine imposed or assessed by the state or any board, department, or agency of the state requires the enactment of a law by a two-thirds vote of the elected members of each house of the legislature.

Present constitution further specifies that the present constitution limitations do not apply to any department that is constitutionally created and headed by an officer who is elected by majority vote of the electorate of the state.

Proposed constitutional amendment retains present constitution but provides that the present constitution limitations do not apply to an increase in tuition, as defined by law, or to the imposition of a new fee or a fee increase to be charged at a public postsecondary education institution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

(Adds Const. Art. VII, Sec. 2.1(C))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Changes the applicability of the proposed constitutional amendment from being applicable only to those public institutions that have been designated as "research" universities to being applicable to all public postsecondary education institutions.